

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION (CLEVELAND)**

EUGENE SCALIA, Secretary of :
Labor, United States Department of Labor, :

Plaintiff, :

v. :

ATTILA E. NAGY and :
CYNTHIA NAGY, :

Defendants. :

Case No. 1:20 CV 899

Judge: Donald C. Nugent

CONSENT JUDGMENT AND ORDER

Eugene Scalia, Secretary of Labor ("Secretary"), United States Department of Labor, filed a complaint against Attila E. Nagy and Cynthia Nagy (collectively, "Defendants"), alleging they violated their fiduciary obligations under Title I of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§1001, *et seq.*, with respect to the administration of the Assembly Specialty Products, Inc. 401(k) Plan ("Plan").

Defendants waive service of process and answer and admit to the jurisdiction of this Court over them and the subject matter of this action.

The Secretary and Defendants agree to resolve all claims and issues between and among them regarding the captioned matter, and do now accordingly consent to the entry of this Consent Judgment and Order ("Judgment") by the Court.

Defendants have informed the Secretary that they, in their capacity as owners and/or officers of Assembly Specialty Products, Inc. intend to terminate the Plan.

Now, therefore, upon consideration of the record herein, and as agreed to by the parties hereto, the Court finds that it has jurisdiction to enter this Judgment, and being fully advised in the premises, it is,

ORDERED, ADJUDGED AND DECREED that:

1. Defendants are permanently enjoined and restrained from violating the provisions of Title I of ERISA, 29 U.S.C. §§1001, *et seq.*

2. Defendants are permanently enjoined and restrained from serving or acting as fiduciaries and/or service providers with respect to any employee benefit plan subject to ERISA.

3. Defendants shall terminate the Plan within 90 days of this Judgment. Notwithstanding paragraph 2, above, Defendants shall take such actions as are necessary to terminate the Plan in accordance with ERISA, the Internal Revenue Code, and this Judgment.

4. Within 100 days of the entry of this Judgment Defendants shall provide the EBSA Regional Director, 1885 Dixie Highway, Room 210, Fort Wright, KY 41011-2662 with satisfactory proof that the Plan has been terminated.

5. The Court retains jurisdiction for purposes of enforcing compliance with the terms of this Judgment.

6. Nothing in this Judgment is binding on any government agency other than the United States Department of Labor.

DATED this 27th day of April, 2020.


United States District Judge

Dated: 4/16/20

Attila E. Nagy
ATTILA E. NAGY

Dated: 4/16/2020

Cynthia Nagy
CYNTHIA NAGY

Dated: 4/17/2020

/s/ Richard A. Naegele
RICHARD A. NAEGELE (11481)
Attorney for Defendants

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Dated: 4/17/2020

/s/ Matthew M. Scheff
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